IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE JURISDICTION

WRIT PETITION NO.6755 OF 2004

Shri Saipan Jagirdar ...Petitioner
Vs.
M/s. Highlands Corporation ...Respondents

Mr.A.R.Khan Advocate for Petitioner

CORAM: R.M.S.KHANDEPARKAR,J.
DATED: 14TH OCTOBER, 2004

P.C.

1. Heard the learned Advocate for the petitioner.

2. The petitioner challenges the Award dated 2nd November, 1999 passed by the Labour Court, Mumbai rejecting the reference in relation to the dispute pertaining to the claim by the petitioner for reinstatement with full back wages and continuity in service. The Labour Court has clearly on the basis of the evidence led by the parties in the Complaint (ULP) No. 528 of 1996 filed by the Union before the 8th Labour Court for the benefit of various workmen including the petitioner held that the parties had arrived at a settlement and the petitioner had accepted the benefits in terms of the said settlement and even the said complaint was disposed of for non-prosecution, consequent to the said settlement. It was sought to be contended by Advocate for the

petitioner that the petitioner was not at all aware of the proceedings in Complaint No.528 of 1996, nor he has received any benefit under any settlement and therefore, the Labour Court erred in rejecting the Reference solely on the basis of the dismissal of complaint.

3. A perusal of the complaint before the Labour Court, copy of which has been filed along with the Petition, undoubtedly, discloses that he was a member of the Union, which had filed the complaint, and therefore, he was a party to those proceedings. However, the statement of claim nowhere discloses any grievance on the part of the petitioner about the absence of knowledge of those proceedings to the petitioner at the time they were initiated and/or disposed of. The statement of claim also does not disclose the source of knowledge of the said proceedings to the petitioner. Assuming that the petitioner was not member of the union, which had filed the complaint on behalf of the workmen including the petitioner, though the petitioner in the course of recording of evidence had denied the receipt of amount of Rs.5750/- by way of full and final settlement of the complaint, there is no denial of the fact that the settlement was, in fact, arrived at between the parties. In those circumstances, the findings arrived at by the Labour Court, who is justified in rejecting the reference, cannot be found

fault with. The findings are clearly on the basis of materials placed on record and do not warrant interference in the impugned Award in writ jurisdiction under Article 227 of the Constitution of India. Hence, the petition is rejected.

(R.M.S.KHANDEPARKAR,J.)